

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America )

v. )

Case No. )

6:22-mj-214-MK )

Jacob Joel Deeter )

Defendant(s)**CRIMINAL COMPLAINT  
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 2021 through Oct. 2022 in the county of Lane in the  
District of Oregon, the defendant(s) violated:*Code Section**Offense Description*18 U.S.C. § 2251(a) and (e)  
18 U.S.C. § 2252A(a)(5)Sexual exploitation of children  
Possession of child pornography

This criminal complaint is based on these facts:

The attached affidavit which is incorporated herein.

☒ Continued on the attached sheet.

S/ Jacob A. McPhie

*Complainant's signature*

Jacob A. McPhie, FBI Special Agent

*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
telephone at 4:30 a.m./p.m.Date: 12/5/22*Judge's signature*City and state: Medford, Oregon

Mark D. Clarke, U.S. Magistrate Judge

*Printed name and title*

DISTRICT OF OREGON, ss: AFFIDAVIT OF JACOB A. MCPHIE

**Affidavit in Support of a Criminal Complaint and Arrest Warrant**

I, Jacob A. McPhie, being duly sworn, do hereby depose and state as follows:

**Introduction and Agent Background**

1. I am a Special Agent with the Federal Bureau of Investigation (hereinafter FBI) and have been since July 2018. My current assignment involves investigating child exploitation crimes. My training and experience include investigating federal criminal violations related to child exploitation and child pornography, among other federal violations. I have gained experience through work relating to conducting these types of investigations. I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including 18 U.S.C. §§ 2251, 2252, and 2252A, and I am authorized by law to request a search warrant.

2. This affidavit is submitted in support for a criminal complaint and arrest warrant for Jacob Deeter for violations of 18 U.S.C. § 2251(a) and (e), Sexual exploitation of children and 18 U.S.C. § 2252(a)(5), Certain activities relating to material constituting or containing child pornography.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation,

communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience. The facts set forth in this affidavit are based primarily upon information that I have received from Detective Jed McGuire of the Eugene Police Department (EPD) verbally, through written reports, and in evidence gathered through his investigation.

**Applicable Law**

4. 18 U.S.C. § 2251(a) and (e), Sexual exploitation of children, provides as follows:

Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed. Section (e) punishes the attempt to violate § 2251(a).

5. Title 18, United States Code, Section 2252A(a)(1) makes it a crime to knowingly transport child pornography using any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce by any means, including by computer. Section

2252A(a)(2) makes it a crime to knowingly receive or distribute any child pornography that has been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer. Title 18, United States Code, Section 2252A(a)(5)(B) makes it a crime to knowingly possess or access with intent to view child pornography that has been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that were mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer. The term child pornography is defined in Title 18, United States Code, Section 2256(8).

#### Summary

6. Beginning on or about January 2022, Jacob Joel Deeter (hereinafter referred to as "Deeter"), a 38-year-old adult male, began recording hidden camera footage of a then 15-year-old girl (hereinafter referred to as Minor Victim 1, or MV1) in Lane County, Oregon. MV1 has since turned 16 years old. Throughout the conduct, Deeter knew the minor's age and collected hundreds of videos of her showering, all of which show her breasts, buttocks, and pubic region. The wiring for the camera was found still attached to the shower when Officers conducted a search warrant of the residence, and Deeter admitted to recording MV1 but stated it was done accidentally. Further forensic review of Deeter's phone revealed he had captured screen shots from the videos and saved them.

#### Statement of Probable Cause

7. On October 14, 2022, Detective Jed McGuire of EPD met with patrol officers to discuss a report of images of a nude child (later identified as MV1), whose identity is known to me, which appeared to be taken while MV1 was showering. Officer LeCavalier, who was assigned to the investigation, told Det. McGuire that an adult woman (hereinafter referred to

**Page 3 – Affidavit of Jacob A. McPhie**

as AV1) reported she discovered a nude image of MV1 on Deeter's computer. AV1 had been in a relationship with Deeter for about 11 years. AV1 observed the image was of MV1, alone and nude in the shower of their residence (the address of which is known to me). According to AV1, the camera appeared to be at an upward angle. AV1 believed this to be a small spy style camera, one which could be concealed. AV1 believed this to be hidden in the overflow pipe of the tub, just underneath the faucet.

#### Search of the Residence

8. During the investigation, Det McGuire sought a search warrant for the residence which was granted by the Honorable E. Bradley Litchfield, Lane County Circuit Court Judge Pro Tempore, on October 19, 2022. On October 20, 2022, at about 0854 hours, Det. McGuire and other EPD Violent Crimes Unit Detectives went to the residence to serve the search warrant.

9. During the service of the warrant, Det. McGuire spoke with Deeter in the driveway of his residence and advised him of his *Miranda* rights. Deeter advised that he understood his rights when asked. Deeter was read the search warrant and asked about one of the items in the warrant, a black laptop. Deeter said, "I don't have that stuff anymore," and told McGuire he had taken it to work and smashed it in a dumpster in the downtown area. When asked why he took the laptop to be destroyed, he told McGuire, "I was just getting rid of it." Deeter stated he did not know anything about the images on the computer. Deeter was informed that law enforcement knew AV1 had previously confronted him about the images, and Deeter said he had looked for the images in the computer but could not find them. Deeter was confronted about his prior explanation to AV1 where he told her that 'it had been an accident'. Deeter said AV1 and him had recorded themselves while in the bathroom, and the camera had been set up from the night before, explaining "It wasn't intentional in any way." Deeter told

**Page 4 – Affidavit of Jacob A. McPhie**

Det. McGuire the camera had been set up on the counter in the bathroom; the camera had been constantly running, and when he later retrieved the videos, he discovered what had been recorded. Deeter believed he had deleted the recorded content (MV1's images). Deeter also believed the content had been deleted by AV1. Deeter used a Nest or Wyze camera to record the video to his phone via the Wyze application. Deeter told Det. McGuire the Wyze recording service connects automatically to his phone and his computer.

10. While inspecting the bathtub in the residence, Det. McGuire saw one screw was missing from the bathtub's overflow drain. Detective John Jensen told him that he inspected the reverse wall, which separated the faucet side of the tub and the toilet. The wall spanned only the width of the tub. Detective Jensen stated he located a panel which was attached to the wall with only one screw partially sticking out of the panel. The screw had a star shaped head and there was a screwdriver located on the bathroom counter, with a star shaped bit attached. There was a second hole which did not have a screw inside of it.

11. Inside the panel, investigators saw pieces of black tape adhered to the back of the tub, near the back of the overflow drain. Additionally, they saw an extension cord which was knotted around a water pipe. The female end of the extension cord was close to the knot and the remainder of the cord extended to the crawl space of the residence. In addition to the extension cord, investigators saw a black cable. Upon examination, law enforcement determined that the black cable was an ethernet cord with a male adaptor end. The other end of the cable went under the house into the crawl space. The setup appeared to be consistent with a secretly-placed camera system, absent the camera.

12. During the service of the search warrant, EPD Violent Crimes Detective Cliff Sites located a backpack containing many electronic devices, including a Black Western Digital

**Page 5 – Affidavit of Jacob A. McPhie**

Elements Hard Drive. Det. McGuire sought an additional search warrant which was granted by the Honorable Clara Rigmaiden, Lane County Circuit Court Judge. The scope of the warrant was limited to searching for images/videos of MV1. EPD Forensic Evidence Analyst Cory Winar processed the items including the Black Western Digital Elements Hard Drive. FA Winar provided Det. McGuire a copy of the files to review.

#### **Review of the Digital Files**

13. Det McGuire located the following videos from within the folder titled "kp". All described videos are of MV1 while she is showering. MV1 is a minor child who is currently 16 years old and was 15 years old during some of these incidents.

- "20220219\_011309.mp4".

This video is 7:53 minutes in length and begins with the camera on the floor, in a bathroom, near a toilet. The camera is lifted and set back down on the floor. After being set back down, Deeter is recorded while leaning over the toilet. Deeter is seen using a screwdriver to remove screws from a wall panel next to the toilet. Det. McGuire, stated he is familiar with the bathroom, as he inspected the area during the service of the search warrant on October 20, 2022. Once the panel is removed, Deeter places the camera inside the access wall and places it against the back of the bathtub. Deeter can be heard screwing the panel back into place. The camera captures a portion of the tub, the tile wall, and the shower door. Seconds after the camera is placed, footsteps are heard, and the shower water is turned on. During the video, MV1 is seen entering the tub and showering. During the shower, MV1's breasts, buttocks, and pubic area are visible.

- 1659381591510.mp4

This video has on-screen timestamp of "2022-08-02 11:20:24". The video is 06:38 in length and about 50 second into the recording, MV1 enters the bathtub and begins showering. During the shower MV1's breasts, pubic area, and buttocks are visible.

- 1662187933470.mp4

This video is 16:53 in length and begins with the time stamp "2022-09-02 23:52:11". During the video, MV1's breasts, buttocks and pubic area are all visible.

These files were located within a folder titled "manual" within the "kp" folder.

- 20220724\_193232.mp4

This video is 33:11 in length. During the video, MV1's breast, buttocks, and pubic area are visible while she showers.

- 1658792632218.mp4

This video is 19:52 in length and has the timestamp "2022-07-25 16:43:53" at the beginning of the video. During this video, MV1's breasts, buttocks, and pubic area are all visible while she showers.

- 1658872616932.mp4

This video is 37:27 in length. The video has an on-screen timestamp which says "2022-07-26 14:56:59". During this video, MV1 is showering and her breasts, buttocks, and pubic area are visible.

- 1659045554201\_1.mp4

This video is 31:32 in length. The video has an on-screen timestamp which begins at "2022-07-28 14:59:13". During this video, MV1 is showering and her breasts, buttocks, pubic area are visible.



- 1659112007657.mp4

This video is 24:30 in length and the timestamp "2022-07-29 09:26:48" is visible in upper right corner. During this video, MV1 is showering and her breasts, buttock, pubic area are visible.

These files were located in a folder titled "a" within the "kp" folder.

- 20210815\_154608\_1.mp4

This video is 11:35 in length. The video is captured from a low angle in the bathtub. MV1's breasts, pubic area, and buttocks are all visible during the video.

- 20220107\_202433\_1.mp4

This video is 09:27 in length. During this video, the recorded area is about one-third obscured on the right side of the viewing area. During the shower, MV1's breasts, buttocks, and pubic areas are visible.

- 1637972986.mp4

This video is 12:59 in length and has the name "WYZE" is typed on the lower left corner of the video. The date "2021-11-26 16:16:38" is displayed on the lower right corner of the video. The video also has green boxes as motion occurs in the video. MV1 is visible in the video and her breasts, buttocks, and pubic area are all visible.

In total, Det. McGuire located hundreds of images/videos of MV1 including screenshots from a Cricket cell phone. The screenshots of MV1 were of her in specific positions which emphasized her vagina, buttocks, and breasts. The screenshots appeared to have been taken from the videos.

///

///

Conclusion

14. Based on the foregoing information, I have probable cause to believe that Jacob Joel Deeter violated 18 U.S.C. § 2251(a) and (e). I therefore respectfully request that the Court issue this criminal complaint and arrest warrant for Jacob Joel Deeter.

15. This affidavit and the requested arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Amy Potter prior to being submitted to the Court. AUSA Potter informed me that in their opinion, the affidavit and applications are legally and factually sufficient to establish probable cause to support the issuance of the requested complaint and arrest warrants.

S/Jacob A. McPhie

JACOB A. MCPHIE  
Special Agent, FBI

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 4:30  
a.m/p.m. on 12/5/22.

HONORABLE MARK D. CLARKE  
United States Magistrate Judge